

REMARKS/ARGUMENTS

Claim 9 has been amended by incorporating formula (I) from claim 1 into it.

Claims 9, 10, 13 and 14 have also been amended in an editorial, non-limiting manner.

Claims 1-26 are pending in this application, although claims 1-8 and 16-26 have been withdrawn from consideration. Applicants currently intend to seek rejoinder of withdrawn claims as appropriate upon indication of allowable subject matter.

The Office Action rejected claims 9 and 10 under 35 U.S.C. § 112, second paragraph, asserting that the substituents of formula (I) were unclear, among other reasons. Applicants respectfully submit that in view of the above amendments, this rejection has been rendered moot, and that the rejection should be reconsidered and withdrawn.

The Office Action rejected claims 9-15 under the judicially created doctrine of obviousness type double patenting over claims in U.S. patent application serial no. 10/594,519. In view of the following comments, Applicants respectfully request reconsideration and withdrawal of this rejection.

The claimed processes relate to processes for making compounds of formula (I). These compounds are trithiocarbonates.

The processes in the '519 application relate to using trithiocarbonates in a polymerization process of acrylic monomers (using the compounds as chain transfer agents -- see, par. 0051 in the '519 application). The resulting products are homopolymers and copolymers of acrylic acid. Thus, formula (I) in the '519 claims (relating to acrylic acid polymers) is much different from the formula (I) in the present claims (relating to trithiocarbonates). Accordingly, the present claims and the '519 application claims are directed to clearly different subject matter. As such, the subject matter of the claims in the '519 application cannot suggest the subject matter of the pending claims.

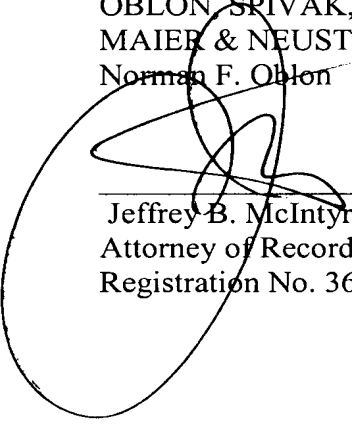
Application No. 10/594,520  
Reply to Office Action dated November 30, 2009

In view of the above, Applicants respectfully request reconsideration and withdrawal of the obviousness-type double patenting rejection.

Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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